

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 05-412 (MJD-JJG)

Plaintiff,

v.

ORDER

Juan Elodio-Benitez,

Defendant.

This matter is before the undersigned upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, and being duly advised of all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Elodio-Benitez' Motion to Suppress Statements (Doc. No. 12) is **DENIED AS MOOT.**
2. Elodio-Benitez' Motion to Dismiss the Indictment (Doc. No. 16) is **DENIED.**

Dated this 1st day of March, 2006.

s / Michael J. Davis
MICHAEL J. DAVIS
United States District Court Judge